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We've Reached Era of Judicial Tyranny

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"We've Reached Era of Judicial Tyranny"



An Address by
SENATOR JAMES O. EASTLAND
OF MISSISSIPPI

Before the STATEWIDE CONVENTION

of the

ASSOCIATION OF CITIZENS'
COUNCILS OF MISSISSIPPI

HELD IN JACKSON DECEMBER 1, 1955

SENATOR EASTLAND'S ADDRESS

Mr. Chairman, distinguished guests, members of the Mississippi Association of Citizens' Councils, ladies and gentlemen:

You have greatly honored me by inviting me to address you at this, the first statewide meeting of the membership of the Citizens' Councils. You comprise a great patriotic organization.

Your leaders are courageous, intelligent, and forthright. You have accepted one of the greatest challenges which has ever faced a people. There is at stake the preservation of the American system of Government with its dual powers, which provide for additional liberty and freedom. There is further at stake the racial integrity, the culture, the creative genius, and the advanced civilization of the white race. The entire future of this country is at issue. You have accepted the gauntlet and are fighting for these things. In addition, you are protecting home and fireside, and the welfare of our children. Yes, you have honored me by inviting me to address such a group as you on an occasion such as this. When history writes its final verdict on this present generation of Mississippians and Southerners, the names of you ladies and gentlemen here assembled will have a very high place upon the Roll of Honor. In a time of grave troubles, you have reacted in keeping with the finest and highest traditions of our State and Region. As long as Mississippi and the South are blessed with people such as you, we have no fear of the future.

The Government of the United States is unique from all others ever established in that it recognized in the organic Constitutions that the reservoir of sovereignty and power for government was vested in the people. This condition had to be written into the Constitution of the United States before the original thirteen States would adopt it. It is expressed in these words:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Those great men who framed the Constitutions of the State of Mississippi translated this reservation for you in this language:

"The enumeration of rights in this Constitution shall not be construed to deny and impair others retained by, and inherent in, the people."

These are not idle words. They constitute a statement of your birthright, your heritage, and your sacred trust for future generations.

sacred trust for future generations.

The inspiration for these great reservations is founded in the origins of the common law. The com-

mon law has a much longer history in this country than does the Republic. It was planted at Jamestown and Plymouth with the original settlers.

The Common-Law, in contrast with the Roman Law and the Civil Law under which most of Western Europe lives, is no Code that is written by an all-powerful and ominiscent State. The Common-Law in its essence is no more nor no less than the rules of conduct that the people prescribe for themselves at the level of the community. They are directed toward the maintenance of peace, domestic tranquility and good order. They are founded upon the habits, customs and traditions of the people who live in the smallest segment of an organized society—the community.

This is the legal definition of the basis of our law:

"Law is not a body of commands imposed upon society from without, either by an individual sovereign or superior, or by a sovereign body constituted by representatives of society itself. It exists at all times as one of the elements of society springing directly from habit and custom. It is, therefore, the unconscious creation of society or a growth. For the most part it needs no interpreter or vindicator. The members of society are familiar with its customs and follow them, and in following customs they follow the law."

The people granted to the Federal and State Governments certain well defined, clear and specific rights, powers and duties. There is nothing in the United States Constitution, or the amendments thereto, that gives to Congress, the President, or the Supreme Court the right or power to declare that white and colored children must attend the same public schools. There is nothing in this document that authorizes a decree that white and black people must eat at the same public places, play on the same recreation grounds, golf on the same courses at the same time, and swim and bathe in the same pools, lakes and beaches.

The Supreme Court of the United States, in the false name of law and justice, has perpetrated a monstrous crime. It presents a clear threat and present danger, not only to the law, customs, traditions and racial integrity of Southern people, but also to the foundations of our Republican form of Government. Washington warned that the usurpation of power is a corrupting force. In his Farewell Address, he said:

"The Constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all."

"Let there by no change by usurpation; for though there in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Jefferson foresaw that in the three branches of the Federal Government, the Supreme Court was the Achilles heel, and it could some day act like a "thief in the night" to steal away the basic rights and liberties of the people.

Abraham Lincoln advocated defiance of the Supreme Court. This is what he had to say:

"The people—the people—are the rightful masters of both congresses and courts not to overthrow the Constitution, but to overthrow the men who pervert it."

The anti-segregation decisions are dishonest decisions. Although rendered by Judges whose sworn duty it was to uphold the law and to protect and preserve the Constitution of the United States, these decisions were dictated by political pressure groups bent upon the destruction of the American system of government, and the mongrelization of the white race. The Judges who rendered them violated their oaths of office. They have disgraced the high office which they hold. The Court has responded to a radical pro-Communist political movement in this country. I do not have to tell you that this thing is broader and deeper than the N.A.A.C.P. It is true that the N.A.A. C.P. is the front and is the weapon to force integration. It is the agent. It is the action group. It is backed by large organizations with tremendous power, who are attempting with success to mold the climate of public opinion, to brainwash and indoctrinate the American people to accept racial integration and mongrelization. Benjamin Disraeli, a great British Prime Minister, once said:

"No man will treat with indifference the principle of race, for it is the key to history."

This is a historic biological and psychological truth, but it is denied, and those who espouse it are ridiculed in present-day America. Time will not permit me to list the organizations and groups who back, support, cooperate with and direct the N.A.A.C.P. In general they are church groups, radical organizations, labor unions and liberal groups of all shades of Red. They run from the blood red of the Communist Party to the almost equally Red of the National Council of Churches of Christ in the U.S.A. Never in the history of this country has there been such a campaign as they now wage against us. Children are indoctrinated in the schools. Students in colleges are brainwashed. Let me say here that we do not have much of this in Mississippi. There is probably more of it in other Southern States. It is general, however, in the rest of the country. The Foundations, and other groups, with

tremendous sums of tax-exempt money, are financing this drive in a big way. The facts show that most of the money the Foundations spend goes into the field of civil rights and the promotion of the doctrine of racial amalgamation.

The Ford Foundation is the largest and most generous of the Foundations dedicated to establishing social equality between the black and white races. It has assets in excess of 520 million dollars. A special department was set up known as the Fund for the Republic with a grant of 15 million dollars to be spent for "examination of restrictions of freedom of thought, inquiry, and expression in the United States." Three hundred and ninety thousand dollars of this sum has gone to the Southern Regional Council to promote racial integration in the South. Ten thousand dollars was given to the National Council of Churches of Christ in the U.S.A. for its Department of Racial and Cultural Relations. Most of the 15 million dollars has been expended in one fashion or another to destroy the white South. Finally it recently gave \$50,000 to the Legal and Education Fund of the N.A.A.C.P. This is the way law suits will be financed in Mississippi and in other Southern States.

The Carnegie Foundation financed completely the work of Dr. Gunnar Myrdal and his collaborators in the preparation and publication of "An American Dilemma," the key "Modern Scientific Authority," on which the Supreme Court relied to sustain its psychological and sociological segregation decision.

The Carnegie Corporation has also made heavy contributions to the National Urban League.

Oher foundations that have been active in contributing their funds and effort to aid the N.A.A.C.P., the Urban League and similar organizations are the Marshall Field Foundation, the Rosenwald Foundation, the Rockefeller Foundation, and the Dorothy and Louis Rosenteil Foundation. These and other anti-segregation organizations control news services, the magazines, the radio and television chains. There is a continual rain of propaganda. There are no facts from the other side. The South today is the victim of forces and influences that originated far from its own borders. It is foolish for us to deny the power and influence of those that are arraigned against us. When groups can subvert the highest Court of this land, and control the President of the United States, they must be reckoned with. Never in the history of the United States has there been such a well planned, massive and effectively executed propaganda barrage as that now directed against us. The plan is to destroy every phase of segregation in this country. They have through the political opinions of the Court removed the legal road blocks. They now attempt to mould public opinion to accept full social equality and amalgamation.

The present condition in which the South finds itself is more dangerous than Reconstruction. It is more insidious than Reconstruction. There was no attempt to have interracial schools during Reconstruction. It is more dangerous in that the present Court decisions are built on gradualism. To induce us to agree or to force us to comply step by step. In Reconstruction there was the attempt to force the hideous monster upon us all at once. Our ancestors rallied and stopped it. Its weakness then was that they attempted to enforce it all at once. It will take special precautions to guard against the gradual acceptance, and the erosion of our rights through the deadly doctrine of gradualism.

There is only one course open to us and that is stern resistance. There is no other alternative. We must fight them with every legal weapon at every step of the way. Southern people are right both legally and morally.

If we knuckle under to this, then every right we have is gone. The way I know Mississippians and Southerners, thank God, our people are made of sterner stuff. There will be a fight each step of the way. It is up to us to prove that we are worthy to be free. It is up to us to prove that we are worthy of our heritage. My prediction is that the next few years will be the golden hour of Southern history. Southern people will meet the acid test. They will fulfill their destiny. Lawless acts of a Court do not make the law. Corrupt decisions of a Court do not change the law. The Supreme Court does not have the power to change the Constitution of the United States. There is no law that a free people must submit to a flagrant invasion of their personal liberty. Our position is sound under the Constitution and laws of the United States.

The drive for racial amalgamation is both illegal and immoral, and those who would mix little children of both races in our schools are following an illegal, immoral and a sinful doctrine. Remember this: No people in all the history of Government have ever been forced to integrate against their will.

There is only one prescription for victory. As we prepare to fight, this is basic: Organization. Every other step must be based upon and through our organized effort. We must organize and we must be militant. That is the prescription. The only way that we can mobilize all our strength is through organization. The only way we can make effective use of it is through organization. We must match the organizing ability and the tactics of the N.A.A.C.P. They have done a successful job. They did not submit when Court decisions were against them. They fought and are still fighting. This we most certainly must do.

A wonderful job has been done in Mississippi. You have shown a will to resist. My friends, resistance is contagious. Resistance inspired by the Citizens' Councils of Mississippi has spread all over this country. I know of a Citizens' Council, but with another name, in the heart of Chicago. Organizations to resist are springing up all over the United States. Remember the problem of social equality and racial amalgation is nationwide in scope. There is now organized effort to resist, to my knowledge, in more than thirty States. The Citizens' Councils of South Carolina have more than 50,000 members. The organization in Virginia got the State to adopt a State policy to preserve segregation. Mississippi is the hard core of the resistance in the country. It is spreading from here throughout the nation. It is growing very, very fast. The Citizens' Councils and similar organizations but with different names are the only effective opposition the N.A.A.C.P. has ever had. The Citizens' Councils of Mississippi have been the most effective of all. The N.A.A.C.P. well knows that the organization of our people has been highly successful. They are afraid when they see it spreading throughout the country. Mississippi recently has been singled out for massive assault. Do you realize the principal reason? It was an attempt to make the Citizens' Councils and our people too hot to touch. It was an attempt to discredit your organization, our State, and our people to prevent our organization and ideas of resistance from spreading throughout the South. No one knows better than the N.A.A.C.P. how effective the Citizens' Councils have been. No one is more aware than they of how highly contagious your organized efforts have been.

Northern politicians will make a mistake if they misjudge the determination of Southern people. The Court and other pressure groups actually expected Southern people to knuckle under and submit. They are surprised at the determination of our people. I have noted that the Attorney General of the United States is sending the F.B.I. into Mississippi and other Southern States in an attempt to bluff and intimidate Southern people. Of course, we want them to investigate crime, but the political investigations such as occurred in Holmes County and in Arkansas are another matter. They went to Hoxie, Arkansas, and attempted to intimidate the people to agree to an interracial school. This bluff will not work. Let me say further that Mississippians are law abiding. In law enforcement we rate well above Illinois, New York and all of our detractors. Our State enforces the law without favor. The fight that we wage must be a just and legal fight. Acts of violence and lawlessness have no place. Violence hurts the cause of the South. Violence and lawlessness will hurt this organization. These acts are turned against us by our enemies. They are effectively used to mould public sentiment against us in the North. It is imperative that we be looked upon with favor and have the best wishes of the av-

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My friends, the white and negro people in the South have traveled a long, sometimes hard, but mutually satisfactory road since the days of Reconstruction. The institution of segregation has been the primary instrument in the growth, development and progress of the negro race.

It was on a voluntary basis that at the end of the Civil War they left the white churches and organized their own. Regardless of what Northern radicals might have wanted, even the carpetbag and scalawag State Legislatures established separate schools for whites and negro children. The negroes, with a deep and natural pride in race, were ready and willing to work out their own salvation. They had the financial aid and encouragement of the white people. No similar group of people in known history have made greater strides and advancement in so short a period of time as have the American negro under segregation. The white people have been largely responsible for this progress.

The monuments to their progress can be found in the schools, churches, fraternal orders, banks, hospitals, insurance companies, business establishments, and farms that are owned and operated solely by negroes. Their preachers, teachers, lawyers, doctors, scientists, farmers and businessmen are the living evidence of what they have accomplished with the aid of white southerners.

The negroes who graduate from Northern colleges and universities are forced to come South in order to secure employment as teachers. We have 113,-000 negro teachers in the South. South Carolina alone employs more negro teachers than do all the States of New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Vermont, Rhode Island, New Hampshire combined and with 2,000 to spare. Yet the combined negro populations of these nine States exceeds that of South Carolina by more than a million persons. In all the 31 non-segregated States there are only 10,248 negro teachers. In all of the North there are only 100 negro college instructors. In most fields of endeavor, those who receive college and pro-

fessional training find that the South offers to them the widest field of opportunity.

Thurgood Marshall, the chief attorney for the N.A.A.C.P., is a product of the segregated school system.

The field for negro advancement in the South under our system of segregation is unlimited. No one wants to deny the negro economic opportunity or economic equality. It is a historic fact that Southern white people are the best friends he has ever had. It is where the social question of integration and social equality enters that we draw the line. This will not work for either race.

We in the South cannot stay longer on the defensive. This is the road to destruction and death. We must take the offense. We must carry the message to every section of the United States. Our position is righteous. The great majority of the rank and file of the people of the North believe exactly as we do. The law of nature is on our side. After all, the average American is not a racial pervert. We must place our case at the bar of public opinion. As I have said, vast sums of money, much of it tax exempt, are being thrown into a vast program of propaganda and outright falsehood to misrepresent Southern views and conditions in the South. Millions of fair-minded Americans in other regions denied access to the truth, are being hoodwinked, misled, and deceived by this cunning campaign. In its essence it is an attack upon the American system of government. The negro is being used as a pawn by those who plot the destruction of our Government. The Communist conspiracy can never succeed in America unless there is first destroyed the powers of the States. It can never succeed until the people are deprived of the power to control their local institutions. When the Supreme Court destroys local self-government in the South, it also destroys it in the North. We must meet these attacks. In my judgment it is urgently imperative that the Southern States set up a regional commission to answer these attacks upon us. Public funds should be used. In fact the use of public funds is the only way we can get the resources to answer the vast attack and to cope with the tremendous sums that are being used to misrepresent us and to inflame the public mind against us. We have nothing to be ashamed of. We mistreat no one. We are proud of our system. Why should we not advertise and explain it? The Southern States have not only the legal right but the legal duty to set up this Commission and to finance its activities with public funds. This is an attack upon the sovereignty of the States, and a State has the legal right and the legal duty to protect its sovereignty. It is obligated to protect and preserve its powers. To take the offense is our best defense. In addition, the Commission should make a study of race. It

should acquire and publicize the facts upon the characteristics, the morals, and the native intelligence of the races. It should acquire and publicize the facts as to how interracial schools lower the educational standards of children, and its psychological effect upon pupils of both races. There should also be publicized conditions that prevail in the interracial schools of Washington and New York.

A concerted attempt is being made to suppress the truth of what is going on in the Washington school system. President Eisenhower promised that the Washington schools would be a laboratory to demonstrate to the world how easily and effectively integration and democracy would work. President Eisenhower's own grandchildren have been removed from a system that permits integrated schools and placed in a private Episcopal school in Alexandria, Virginia.

In Washington, there is one elementary school which is located in the heart of a white residential district where most of the high officials in Government, including the Vice-President and members of Congress live. During the last school year this was operated as a segregated school. It is most amusing to note that for the current school year one lone negro has been assigned to attend this "integrated" school. The situation is not funny or amusing for the white parents and children who are forced to use the truly integrated schools in the Washington system.

They boasted that Washington schools would be an example of how good racial integration would be. Now they do everything possible to hide the example, but the facts are leaking out.

In a recent meeting of the City Commissioners in Washington, one Commissioner charged that promotions in the District of Columbia City Schools were made by weight and poundage. To this the Superintendent of Schools replied that it was not true that promotions in the District of Columbia schools are by size, but it is true that promotional standards from one class to another will have to be lowered to accommodate the average.

Both negro and white teachers admit there is a definite lowering of standards in the integrated schools. The white children are being pulled down to the intelligence level of the negroes. A negro principal said:

"I wonder if it isn't more important to American cultural progress to sacrifice scholastic standards for the additional value of both groups sharing the experience of living together."

It is facts like these which should be given the American people. They are being hushed up now.

My friends, we can be crushed by the weight of public opinion. We can only win this fight through

favorable public opinion. The greatest danger is not in the Court. They are politicians and can change their minds. The dangers are the organized pressure groups who stand behind the Court, the groups who manipulate the politicians. Their propaganda must be met. Their power must be counteracted with favorable public opinion. With favorable public opinion we control politicians. We control Courts. We control Governments. The South's side must be presented to the nation. We must then mobilize that opinion into political action. That is why an organization of the people, and the Commission to generate favorable public opinion is basic. It is fundamental in this great controversy. This is one great step on the road to victory.

The effective way to oppose integrated schools and this attack on a segregated society is through the Government of the United States. The attack by the United States Supreme Court is directed primarily against the States since a school district, or a county, is a political subdivision created by and subject to, the will of the States. As long as State Governments stand firm, I have no fear of the outcome. The history so far has been that the encroachments of integrated schools come when a school district does not have the support of the State Government. If we contest at the local level, by individual school districts, or by a county, or on a community basis, we are sitting ducks and will be picked off one by one. The State can take action which the individual district cannot. The State and no one but the State can segregate under the police powers, to promote the public health, raise academic standards, protect the psychological welfare of the child, prevent violence, promote peaceful and harmonious relations. This kind of segregation is not based upon race. Remember the Supreme Court said segregation solely because of race violates the 14th Amendment. The State, if necessary, can abolish school districts, create other ones and thus remove the corpus or the basis of a suit. This would mean the whole case must start over, with years delay. By changing State laws and creating new State policies which must be litigated, and which must go to the Supreme Court of the United States, the States can thus litigate this matter for an indefinite period of time in hostile Federal Courts. The State Government should defend the suits. As I view the matter, it is fundamental that each Southern State must adopt a State policy or State program to retain segregation, and that all the power and resources of the State be dedicated to that end. Let us look at two Southern States and see the effect of action or nonaction by the State. The Supreme Court decision which held segregated schools violated the 14th Amendment to the Constitution was directed against a school district in one county in the State of Virginia. Virginia has a great Governor. The people of

Virginia have strong leadership. A State commission, called the Gray Commission, was appointed which recommended policies for the State to adopt to retain segregated schools, even though the United States Supreme Court had ordered that the schools in one district of Virginia be integrated or substantial progress made toward integrating them. In spite of this decree there is not an interracial school in the State. Virginia has a State policy, a State program to preserve school segregation. I think there is merit to their program. The people of Virginia have the support of their State Government. The State of Arkansas has no program to retain segregated schools. There is no State policy. The legislature has not acted. One high official of the State Government is quoted in the public press as stating that it is a matter for each school district to decide, and that each school district can formulate its own policies and conduct its own defense. There are instances of integrated schools in Arkansas. These instances have occurred against the will of the great majority of the people. The Supreme Court has not rendered a judgment against a single school in the State of Arkansas, yet there are instances of racially integrated schools. There are plans to integrate in localities in Tennessee because that State Government has no policy or no program to preserve segregated schools. The school board in Chattanooga, which is self-perpetuating, announced it would make plans to integrate. The city has 22 per cent. negroes. On the local level the people, standing alone, are sternly resisting the Board. These two State Governments will not take action to preserve their sovereignty and to protect their people as they are legally obligated to do. Racial integration will occur in Arkansas, in Tennessee, or in any other State where through fear, weakness, inaction, or because the State leadership believes in racial integration, there is no State policy to oppose it. Let me say here it would not occur if their State Governments would take action to oppose it.

We are all proud of the way the officials of Mississippi and the people acted in unison to counteract the threat to segregated schools. Governor White is to be commended on his creation of the Legal Educational Advisory Committee and upon his designation of the membership thereof. Governor-elect J. P. Coleman is to be commended also on the six timely and wise recommendations which he has made to the LEAC. The LEAC has already endorsed the recommendations, and I sincerely hope that the Legislature will take such steps as it feels are wise and proper for the realization of these recommendations. The white citizens of this State, and the children, are protected and shielded by the power and sovereignty of the State. Mississippi led the way and furnished the example that others have emulated within the framework of their own State Constitution and laws. I take this opportunity to pay tribute to those writers in Mississippi who have spoken out clearly and courageously on this grave question. I refer specifically to Major Frederick Sullens, Mr. Tom Ethridge and Charlie Hills.

My friends, those who say that this matter can be fought out locally, in the different communities, whether intentional or not, are allied with the N.A.A. C.P. Any State Government which refuses to resist the integration of the schools is an ally of the N.A.A. C.P. It is basic in this whole controversy that the resistance in the Court must be by the State Governments. Any other road will lead to defeat and destruction.

In this struggle there is a duty and responsibility for all of us. I think Southern Senators and Congressmen should unite to fight upon the national scene. We should cooperate with the resistance and give leadership to Southern people. The way to get this united front is through the organization of the people in the States. There should be a national program promoted by the organized effort of the people and sponsored by the Congressional delegation to remove by legislative action the illegality which the Court has placed upon segregation. In fact the fight must be nationwide in scope to submit a constitutional amendment to give the States and the people control of their local institutions and their domestic affairs. This is a matter of years. Who can say it cannot be done? Ten years ago the Supreme Court was unanimous against the illegal or unconstitutional aims of the N.A.A.C.P.

We will without question fight the punitive legislative proposals which will attempt to authorize the use of Federal force against us. There are certain to be some far reaching and very radical proposals in the next few years. Proposals which would give far reaching powers to implement and enforce political tyranny. We will certainly need the Regional Commission to explain them in their true light to the American people.

We in the Congress have a great forum to give the American people the facts on the South's side of this controversy, and to awaken the right thinking people of the North to the fact that if local self-government is destroyed in the South, it is also destroyed north of the Mason-Dixon Line. Every section of the country has its local problems and they should be all combined in this legislative plan. The way to get this plan and to get the South's delegation to unite behind it is through the power of a Southern organization such as you Mississippians have set up.

My friends, we are involved in a great conflict. A fight not only to maintain and perpetuate the laws, customs, traditions and the culture of our Southern way of life, but to restore and revitalize the Republican form of government which is the

greatest of our heritages from the past. Each of us has an important part to play. Our message must be carried up and down the highways and byways of the nation. Right-minded people and men of goodwill from every corner of this country will join with us. There can be no outcome but total and complete victory.

We have reached an era of "judicial tyranny." Anglo-Saxon people, from their earliest origins, have held steadfast to the belief that "resistance to tyranny is obedience to God." This resistance was the foundation of those glorious events in the history of freedom that led from the Magna Charta to the American Revolution.

Under our common law and under our Constitution, no man or body of men may make law for free men except the elected representatives of the people. The Supreme Court is not composed of the elected representatives of the South or any other segment of this nation. Its present tyranny will not only be resisted but overcome.

Southern people have been tested in the past and have not been found wanting. They have met the challenge of tyranny with courage and fortitude. Henry W. Grady, a great and eloquent leader, in a past time of trouble, described the character and spirit that permeates the Southern people. It was true in 1889 when spoken; it is true today. He said:

"If there is any human force that cannot be withstood, it is the power of the banded intelligence and responsibility of a free community. Against it, numbers and corruption cannot prevail. It cannot be forbidden in the law, or divorced in force. It is the inalienable right of every free community. It is on this, sir, that we rely in the South. Not the cowardly menace of mask or shotgun, but the peaceful majesty of intelligence and responsibility, massed and united for the protection of its homes and the preservation of its liberty."



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